

**From:** Michael Arick  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement.

To whom it may concern:

Please try to stop the Microsoft Settlement. There are many flaws with the document, but the worst one is the repeated attempts to sideline Open Source efforts against Microsoft's monopoly.

Open Source applications, such as the Apache Foundation's Apache web-server are not necessarily produced by for-profit organizations. In fact, this is part of what allows them to succeed against Microsoft (see the original Halloween document, produced by Microsoft in 1998: <http://www.opensource.org/halloween/halloween1.html>).

Not-for-profit organizations should have the same rights as other software development houses to Microsoft's internal APIs. Consider the following web-site article by Robert X. Cringely, a highly respected commentator on the tech-industry:  
<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

His most relevant quote toward this issue is the following

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Hence, any non-profit organization, such as the Apache Foundation, will not have access to the information, but Apache is the software used on nearly 60% of web-servers in the country (according to the Netcraft survey, <http://www.netcraft.com/survey/>). Of all organizations, it seems clear that Microsoft's most-successful rivals should have access to the information they are required to release. This settlement specifically stops the information from being freed in this way. Hence, it won't be a strong remedy.

Thanks for considering these thoughts.

-Michael Arick

